

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

SHERMAN BURNETT, JR., )  
Petitioner, )  
v. ) No. 4:10CV1149 HEA  
DAVE DORMIRE, )  
Respondent. )

**ORDER**

This matter is before the Court upon the application of Sherman Burnett, Jr., for leave to commence this action without payment of the required filing fee [Doc. #2]. This motion will be denied without prejudice as moot. Petitioner has paid the required filing fee in full.

Therefore,

**IT IS HEREBY ORDERED** that petitioner's motion for leave to proceed in forma pauperis [Doc. #2] is denied without prejudice as moot. *See* 28 U.S.C. § 1915.

**IT IS FURTHER ORDERED** that the Clerk shall docket this petition as *Sherman Burnett, Jr. v. Dave Dormire*.<sup>1</sup>

Dated this 30th day of , 2010.

  
HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Petitioner has named as respondent the State of Missouri. The proper respondent for a prisoner currently in custody pursuant to a state judgment is the state officer having custody of the applicant. *See* 28 U.S.C. § 2254, Rule 2(a). Dave Dormire, Warden of the Jefferson City Correctional Center, is the proper respondent.